

1 **UNITED STATES DISTRICT COURT**2 **NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION**3
4 CARR CLIFTON,

Case No. CV 11-03640-EJD

5 Plaintiff,

6 **STIPULATION AND [PROPOSED]
ORDER EXTENDING DEADLINE
FOR DEFENDANT TO FILE MOTION
TO COMPEL**7 vs.
8 PEARSON EDUCATION, INC., and JOHN
9 DOE PRINTERS 1-10,

Defendants.

Pursuant to Local Rule 6-2, Defendant Pearson Education, Inc. (“Pearson”) and Plaintiff Carr Clifton (“Clifton”), by and through their undersigned counsel, hereby submit this stipulation and proposed order extending the time set forth under Local Rule 37-3 for Pearson to file a motion to compel. The parties stipulate as follows:

A. Fact discovery in this matter closed on October 1, 2012. Docket No. 65. Pursuant to Local Rule 37-3, all fact discovery motions to compel are due today.

B. Prior to the close of fact discovery, issues arose with respect to various documents that were identified at the depositions of Clifton and his assistant, Deanne Henninger.

C. These issues were timely raised by Pearson’s counsel following the depositions. Although Clifton’s counsel made multiple attempts to reach his client, Mr. Clifton is travelling and unavailable to respond to his counsel’s inquiries.

D. Clifton’s counsel has stated that Clifton will be supplementing his production, but will not be able to do so until Mr. Clifton returns in a few days.

E. Although the parties are continuing to resolve these issues without the Court’s involvement, it is not known whether Clifton’s supplemental production will resolve all of Pearson’s outstanding issues.

F. Previously, the Parties submitted one stipulated request for a three-month extension of the deadlines in this case in connection with the filing of Plaintiff’s First Amended

1 Complaint. Docket No. 64. That extension was granted by the Court. Docket No. 65.

2 G. This stipulated request for an extension will not impact the remaining schedule for
3 this case.

4 WHEREFORE, the parties respectfully request a short extension of the deadline for
5 Pearson to file a discovery motion limited to the issues identified above on or before October 23,
6 2012.

7 DATED: October 9, 2012

8 /s/ Robert S. Crockett

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20 *Attorneys for Defendant Pearson Education, Inc.*

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22 PURSUANT TO STIPULATION, IT IS SO ORDERED.

23 Dated: 10/10/2012

24 
25 EDWARD J. DAVILA
26 United States District Judge

PROOF OF SERVICE

I hereby certify that on October 9, 2012, a true and correct copy of the foregoing STIPULATION AND [PROPOSED] ORDER EXTENDING DEADLINE FOR FILING OF FACT DISCOVERY MOTIONS TO COMPEL was served via electronic mail upon:

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DATED: October 9, 2012

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